

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Criminal No. 17-148
	)	
BRANDON MORRIS,	)	Judge Cathy Bissoon
	)	
Defendant.	)	

**ORDER**

Defendant’s Motions (Docs. 248 & 258) for compassionate release, based on Covid-19 related health concerns, will be denied.

Defendant recently turned 36 years of age, and his stated health concerns are obesity, a history of smoking and asthma. Defendant indicates that his BMI is “[greater than] 30”; and the government places the number at 30.3. *See* Doc. 263 at 5 n.2. This is too low to present an extraordinary and compelling reason warranting release. *See U.S. v. Gonzalez*, 2021 WL 662496, \*2 (E.D. Pa. Feb. 19, 2021) (collecting cases in this Circuit holding same, regarding significantly higher BMIs). The medical records submitted by Defendant acknowledge, but barely address, his history of smoking and asthma. On the whole, the record does not support the notion that Defendant’s conditions are severe or warrant significant medical intervention. *See* medical records filed at Doc. 248-1.

Even assuming Defendant’s conditions, alone or combined, present significant risk, the Court is required to balance them against the considerations resulting in his original sentence, pursuant to 18 U.S.C. § 3553. Defendant has served a little more than 5 months of his 70-month sentence, for conspiring to distribute and to possess with intent to distribute 28 grams or more of cocaine base and a quantity of heroin; for possessing with the intent to distribute 28 grams or

more of cocaine base; and for possessing a firearm after a prior-felony-conviction. *See* Judgment (Doc. 247). In imposing sentence, the Court noted Defendant's significant criminal history, the serious nature of his offenses, and the needs for just punishment, deterrence and rehabilitation. Those considerations remain salient, and they are not outweighed by the risks associated with Defendant remaining incarcerated. While it is encouraging to hear that Defendant is making best efforts at rehabilitation, and considers himself a “changed man,” *see* Doc. 248 at 10, the Court heard those same pleas at Sentencing, less than eight months ago. They did not sway the Court then; and, for the same reasons explained at Sentencing, they do not now.

Having weighed the specific facts and circumstances regarding Defendant, vis-à-vis Covid-19 – along with all of the considerations in Section 3553 – the Court concludes that release is unwarranted. For these reasons, along with the others identified in the government’s opposition (Doc. 263), Defendant’s Motions (**Docs. 248 & 258**) for compassionate release are **DENIED**.<sup>1</sup>

IT IS SO ORDERED.

February 8, 2021

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record

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<sup>1</sup> Entirely independent of the legal analyses herein, the government has reported, and the BOP’s website confirms, that inmate-vaccinations are underway at Defendant’s place of incarceration. The Court hopes that Defendant, like the rest of us, soon is afforded the opportunity for inoculation.